



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, October 12, 2011

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Jim King, Ward 6

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20110942 Heroic Act of Bravery

Presentation to Mr. Cedric White for risking his own life by entering a burning building to assist in the evacuation of tenants and saving the life of a child on August 29, 2011.

20110713 Law Enforcement National Data Exchange (N-DEx)

Recognition of the IT Department for becoming the first agency in the state of Georgia to successfully submit data to the Law Enforcement National Data Exchange (N-DEx). The vision of N-DEx is to enable the sharing of complete, accurate, timely, and useful information across jurisdictional boundaries and to provide new investigative tools that enhance the nation's ability to fight crime and terrorism.

20110917 Karmen Scarbro, Tim George and Kim Holland present the Park St. Elementary Poster Contest Winners for Public Power & Clean Water Week.

The Poster Contest Theme is "I am Power Smart" or "I am Water Smart."

Water Award Recipients

Grand Prize Winner - Peyton Blue, 3rd Grade

1st Place - Manuel Dominguez, 5th Grade

2nd Place - Emmanuel Diaz Peralta, 3rd Grade

3rd Place - George Thuita, 5th Grade

Power Award Recipients

Grand Prize Winner - Nadia Archer, 4th Grade

1st Place - Jose Ortiz, 5th Grade

2nd Place - Terriana Gates, 5th Grade

3rd Place - Kevin Vasquez, 3rd Grade

PROCLAMATIONS:

20110890 Proclamation - Fire Prevention Month

Presentation of a Proclamation to Lt Patrick Stewart, proclaiming October 9-15, 2011 as "Protect Your Family from Fire!" week in the city of Marietta.

20110894 Proclamation - Domestic Violence Awareness Day

Proclamation declaring October 27, 2011 as DOMESTIC VIOLENCE AWARENESS DAY throughout the City of Marietta, asking all to join together in efforts to eliminate domestic violence in our state, our counties and our homes.

20110872 Proclamation - Diaper Day

Presentation of a Proclamation declaring October 24, 2011 as the Third Annual "Cobb Diaper Day" in the City of Marietta. The Cobb Diaper Day Committee is committed to asking the business community, concerned citizens, and non-profit organizations, to collect diapers from employees, members and friends throughout the month of October. The single act of donating diapers on Monday, October 24, 2011 at 5:00 PM at Glover Park, on the Marietta Square can help hundreds of families in Cobb County.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

*** 20110906 Regular Meeting - September 14, 2011**

Review and approval of the September 14, 2011 regular meeting minutes.

*** 20110913 Special Meeting - September 27, 2011**

Review and approval of the September 27, 2011 special meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

*** 20110902 Marietta Historic Preservation Commission Appointment**

Reappointment of Rebecca Nash Paden (Ward 6) to the Marietta Historic Preservation Commission for a term of three years, expiring September 14, 2014.

ORDINANCES:

20110697 Z2011-12 Crown Towing 503 Commerce Park Drive, Suite H

Z2011-12 [SPECIAL LAND USE PERMIT] CROWN TOWING requests a Special Land Use Permit for property located in Land Lot 04310, District 17, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia and being known as 503 Commerce Park Drive, Suite H, currently zoned LI (Light Industrial). Ward 1.

Planning Commission recommends approval w/stipulations Vote: 4 – 1 – 0

Motion: Mr. Kinney made a motion, seconded by Mr. Carter, that the Special Land Use Permit be granted.

Stipulations:

- 1. Repair hole #1 in existing concrete measuring 7' x 7';*
- 2. Repair hole #2 in existing concrete measuring 5' x 12";*
- 3. Seal all cracks in existing concrete;*
- 4. Kill and remove all existing weeds on concrete pad;*
- 5. Repair fence at perimeter of concrete pad;*
- 6. Install signage at entrance to fenced area.*
- 7. This lot will be used to tow vehicles that have parked illegally. The vehicles we tow will always be in working condition and by our experience will only be in the lot for a few hours or possibly until the next morning.*

PUBLIC HEARING (all parties are sworn in)

20110803 Z2011-14 Eddie R. Gomez 712 Lawrence Street

Z2011-14 [REZONING] EDDIE R. GOMEZ request rezoning for property located in Land Lot 12140, District 16, Parcel 0910, 2nd Section, Marietta, Cobb County, Georgia and being known as 712 Lawrence Street from CRC (Community Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 5.

Planning Commission recommends approval Vote: 5 – 0 – 0

Motion: Mr. Kinney recommended that this rezoning be approved as submitted, seconded by Mr. Carter

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:*** 20110944 Sunday Alcohol Sales**

Motion to approve Resolution calling for Referendum by the Citizens of Marietta on whether or not to authorize Sunday Alcohol Sales within the City of Marietta.

CITY ATTORNEY'S REPORT:*** 20110940 Denial of Claim**

Denial of Claim of Christopher Barton.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20110877 FFY' 2012 CDBG Project List**

Approval of a Resolution submitting the FFY'2012 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, the use of \$438,772 of CDBG FFY'2012 funds the city will receive from HUD.

2. Finance/Investment: Annette Lewis, Chairperson*** 20110787 Donation to the Tree Preservation Fund by DR Horton**

Approval of an Ordinance amending the Fiscal Year 2012 Tree Preservation Fund budget to receive and appropriate a donation from DR Horton

*** 20110850 Department of Justice Grant**

Approval of an Ordinance amending the Fiscal Year 2012 Grant Fund to receive and appropriate a grant from the Department of Justice for \$44,573 to purchase two police vehicles for uniform patrol.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20110889 Authorization to advertise amendments to sidewalk ordinance**

Motion to authorize advertisement of an Ordinance amending Section 732.07, Sidewalks

20110873 Marietta Historic District Rules/Regulations

Motion to approve amendment to Rules and Regulations related to the Marietta Historic District, Article 7-8-8, entitled Historic District. This motion includes approval of amending any other Code Section related to this matter.

Councilman Goldstein discloses that he and family members and or entities that he owns or has an ownership interest, in owns property and or business in the Downtown Marietta area and the Downtown Marietta Historic District.

Mayor Steve Tumlin discloses that he has a legal practice and is a tenant within the Historic District.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson*** 20110893 Farmer's Market**

Motion approving closure of Mill St. between Church St/W. Park Sq. and the railroad tracks Saturday mornings from January 7 to March 31, 2012 from 8 a.m. to 1 p.m. for the purpose of conducting a winter edition of the Saturday Farmer's Market.

5. Personnel/Insurance: Van Pearlberg, Chairperson*** 20110886 Marietta/BLW FY 012 Pay and Classification Plans and Position Allocation Chart**

Approval of an Ordinance amending the City of Marietta/BLW FY012 pay and classification plans and position allocation chart to create and add one position of Engineering Training Manager to be temporarily assigned to the Electrical Division of the BLW.

*** 20110887 Electrical Line Worker Test Schedule and Pay Plan**

Approval of an Ordinance revising the Electrical Line Worker Test Schedule and Pay Plan to reflect changes in the time period required to advancing from Steps One to Four.

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson**

* **20110880 2011 SPLOST Funding Schedule**

Motion to approve the 2011 SPLOST Funding Schedule.

* **20110882 Recycle Bank Promotional Program**

Motion to enter into a joint agreement with Recyclebank to participate in a promotional version of their Curbside Recycling Incentives Program.

APPEARANCES:

OTHER BUSINESS:

* **20110939 NLC Annual Congress of Cities Business Meeting**

Motion appointing Philip M. Goldstein as voting delegate for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting to be held November 12, 2011 in Phoenix, AZ.

* **20110907 BLW Actions of October 10, 2011**

Review and approval of the October 10, 2011 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: